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**By: Samuel G. Wilson**  
**United States District Judge**

Case 7:06-cv-00474-SGW-mfu Document 5 Filed 08/15/06 Page 1 of 3 Pageid#: 32

v. Warden Ray, et al., Civil Action No. 7:06cv00164 (W.D. Va. March 27, 2006). Renoir also claims that since his transfer to “Protective Custody” he has been denied medical treatment and prison officials refuse to refer him to an outside neurologist for the same “Parkinson” like symptoms he alleged he suffered in Renoir v. Warden Ray, et al., Civil Action No. 7:06cv00164 (W.D. Va. March 27, 2006).

Renoir states that he has not filed any grievances related to his complaints because he believes that his current placement in “Protective Custody” and denial of medical treatment are the fault of the Governor of the Commonwealth of Virginia and he does not have the funds to buy postage to file his complaints with the Governor’s office.

## II.

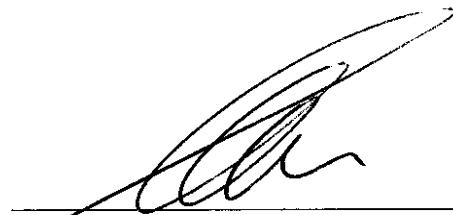
As the federal courts have dismissed three of Renoir’s previous complaints for failure to state a claim and as Renoir has not prepaid the filing fee, he cannot proceed in this action unless he demonstrates that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Renoir has not demonstrated that he is in imminent danger of serious injury. Renoir does not claim that his alleged transfer to “Protective Custody” poses any risk of injury. Further, as to his allegations of untreated “Parkinson” disease, his disagreement with prison officials’ decision not to transfer him to an outside neurologist for further testing or provide him with the treatment he believes he needs, is nothing more than an unactionable disagreement with medical staff as to a proper diagnosis and course of treatment. Wright v. Collins, 766 F.2d 841, 849 (4th Cir. 1985). Accordingly, the court finds that Renoir is not in imminent danger of serious physical injury.

Moreover, pursuant to 42 U.S.C. § 1997e(a), an inmate must exhaust all available administrative remedies before filing a claim under § 1983. As Renoir admits that he has not filed any institutional grievances related to his current housing assignment nor as to the alleged denial of

medical treatment, it is clear he has not exhausted all available administrative remedies. Accordingly, the court dismisses Renoir's complaint without prejudice pursuant to 28 U.S.C. § 1915(g).<sup>2</sup>

The Clerk is directed to send a certified copy of this order to the plaintiff.

**ENTER:** This August 14, 2006.

  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> The court has previously notified Renoir that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give Renoir additional time to pay the filing fee or amend his complaint.